UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/829,067	04/21/2004	Isaac Lagnado	200313247-1	6812

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EXAMINER
MILLER, BRANDON J

ART UNIT	PAPER NUMBER
2683	

DATE MAILED: 02/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>4/21/2004</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-60</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-60</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>21 April 2004</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some *   c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-10, 15-17, 19-23, 25-33, 36-40, 42-43, 46-48, 50-55 and 57-60 are rejected

under 35 U.S.C. 102(e) as being anticipated by Buckley.

Regarding claim 1 Buckley teaches a method for accessing a wireless network (see

paragraph [0003]). Buckley teaches detecting at least one wireless network within which a

wireless device is located while the wireless device is in a transmit off mode (see paragraph

[0016], transmit off mode relates to passive mode). Buckley teaches determining whether the at

least one wireless network is on a list of requested wireless networks (see paragraph [0016] and

Fig. 4).

Regarding claim 2 Buckley teaches wherein detecting comprises receiving at least one

beacon frame from the at least one wireless network (see paragraph [0012]).

Regarding claim 3 Buckley teaches switching the wireless device to a transmit on mode

and transmitting an access request to the at least one wireless network in response to determining

that the at least one wireless network is on the list of requested wireless networks (see paragraph

[0017], sending authentication data relates to transmit on mode).

Regarding claim 4 Buckley teaches automatically switching the wireless device to a transmit on mode in response to determining the at least one wireless network is on the list of requested wireless networks (see paragraphs [0016] and [0017], sending authentication relates to transmit on mode).

Regarding claim 5 Buckley teaches creating a scan list of wireless networks within which the wireless device is located (see paragraphs [0012] & [0013]).

Regarding claim 6 Buckley teaches wherein the scan list comprises an identifier of the at least one wireless network (see paragraphs [0012] & [0013]).

Regarding claim 7 Buckley teaches wherein the scan list comprises an identifier having a service set identifier (SSID) (see paragraphs [0012] & [0013]).

Regarding claim 8 Buckley teaches the scan list comprising a set of attributes of the at least one wireless network (see paragraph [0013], hierarchical preference status relates to set of attributes).

Regarding claim 9 Buckley teaches comparing a set of attributes of a scan list associated with the at least one wireless network with a set of attributes in the list of requested wireless networks (see paragraph [0013], hierarchical preference status relates to set of attributes).

Regarding claim 10 Buckley teaches comparing a scan list associated with the list of requested wireless networks to determine whether the at least one wireless network is on the list of requested wireless networks (see paragraph [0012]).

Regarding claim 15 Buckley teaches at least one wireless local area network within which the wireless device is located (see paragraph [0016]).

Regarding claim 16 Buckley teaches a method for accessing a wireless network (see paragraph [0003]). Buckley teaches automatically switching a wireless device to a transmit off mode in response to activation of the wireless device (see paragraph [0016], transmit off mode relates to passive mode). Buckley teaches detecting at least one wireless network within which the wireless device is located while the wireless device is in the transmit off mode (see paragraph [0016] and Fig. 4).

Regarding claim 17 Buckley teaches determining whether the at least one wireless network is on a list of requested wireless networks (see paragraph [0016] and Fig. 4).

Regarding claim 19 Buckley teaches a device as recited in claim 2 and is rejected given the same reasoning as above.

Regarding claim 20 Buckley teaches a device as recited in claim 5 and is rejected given the same reasoning as above.

Regarding claim 21 Buckley teaches comparing a list of requested wireless networks with a scan list of wireless networks within which the wireless device is located (see paragraph [0013]).

Regarding claim 22 Buckley teaches automatically switching the wireless device to a transmit on mode if the at least one wireless network is on the list of requested wireless networks (see paragraph [0016] & [0017], sending authentication data relates to transmit on mode).

Regarding claim 23 Buckley teaches a device as recited in claim 15 and is rejected given the same reasoning as above.

Regarding claim 25 Buckley teaches switching the wireless device to a transmit on mode and requesting access to at the at least one wireless network in response to determining that the

at least one wireless network is on a list of requested wireless networks (see paragraphs [0016] and [0017], sending authentication relates to transmit on mode).

Regarding claim 26 Buckley teaches a system for accessing a wireless network, comprising a wireless device; and application logic operatively associated with the wireless device (see paragraph [0016] and Fig. 4). Buckley teaches switching the wireless device to a transmit off mode (see paragraph [0016], transmit off mode relates to passive mode after activation). Buckley teaches detecting at least one wireless network within which the wireless device is located while in the transmit off mode (see paragraph [0016] and Fig. 4).

Regarding claim 27 Buckley teaches a device as recited in claim 17 and is rejected given the same reasoning as above.

Regarding claim 28 Buckley teaches a device as recited in claim 4 and is rejected given the same reasoning as above.

Regarding claim 29 Buckley teaches a device as recited in claim 3 and is rejected given the same reasoning as above.

Regarding claim 30 Buckley teaches a device as recited in claim 2 and is rejected given the same reasoning as above.

Regarding claim 31 Buckley teaches a device as recited in claim 5 and is rejected given the same reasoning as above.

Regarding claim 32 Buckley teaches a device as recited in claim 8 and is rejected given the same reasoning as above.

Regarding claim 33 Buckley teaches a device as recited in claim 10 and is rejected given the same reasoning as above.

Regarding claim 36 Buckley teaches a device as recited in claim 15 and is rejected given the same reasoning as above.

Regarding claim 37 Buckley teaches a system for accessing a wireless network (see paragraph [0003]). Buckley teaches switching the wireless device to a transmit off mode (see paragraph [0016], transmit off mode relates to passive mode after activation). Buckley teaches detecting at least one wireless network within which the wireless device is located while in the transmit off mode (see paragraph [0016] and Fig. 4).

Regarding claim 38 Buckley teaches a device as recited in claim 4 and is rejected given the same reasoning as above.

Regarding claim 39 Buckley teaches a device as recited in claim 17 and is rejected given the same reasoning as above.

Regarding claim 40 Buckley teaches a device as recited in claim 5 and is rejected given the same reasoning as above.

Regarding claim 42 Buckley teaches a system for accessing a wireless network (see paragraph [0003]). Buckley teaches application logic operatively associated with the wireless device (see paragraph [0016] and Fig. 4). Buckley teaches the application logic adapted to selectively switch the wireless device between a transmit off mode and a transmit on mode based on an identification of at least one wireless network (see paragraphs [0016] and [0017], passive mode relates to transmit off mode and sending authentication data relates to transmit on mode).

Regarding claim 43 Buckley teaches wherein the at least one wireless network comprises a wireless local area network (see paragraph [0003]).

Regarding claim 46 Buckley teaches a device as recited in claim 4 and is rejected given the same reasoning as above.

Regarding claim 47 Buckley teaches a device as recited in claim 5 and is rejected given the same reasoning as above.

Regarding claim 48 Buckley teaches a device as recited in claim 4 and is rejected given the same reasoning as above.

Regarding claim 50 Buckley teaches automatically switching a wireless device to a transmit off mode in response to activation of the wireless device (see paragraph [0016], transmit off mode relates to passive mode).

Regarding claim 51 Buckley teaches switching the wireless device to a transmit on mode and transmitting an access request to the identified wireless network (see paragraph [0017], sending authentication data relates to transmit on mode).

Regarding claim 52 Buckley teaches a method for accessing a wireless network (see paragraph [0003]). Buckley teaches automatically detecting at least one wireless network within which a wireless device is located while the wireless device is on and in a transmit off mode (see paragraph [0016], transmit off mode relates to passive mode after activation).

Regarding claim 53 Buckley teaches a device as recited in claim 17 and is rejected given the same reasoning as above.

Regarding claim 54 Buckley teaches a device as recited in claim 4 and is rejected given the same reasoning as above.

Regarding claim 55 Buckley teaches a device as recited in claim 5 and is rejected given the same reasoning as above.

Regarding claim 57 Buckley teaches a system for accessing a wireless network,

comprising a wireless device (see paragraph [0003]). Buckley teaches application logic

operatively associated with the wireless device (see paragraph [0016] and Fig. 4). Buckley

teaches application logic adapted to automatically detect at least one wireless network within

which the wireless device is located while the wireless device is on and in a transmit off mode

(see paragraph [0016], transmit off mode relates to passive mode after activation).

Regarding claim 58 Buckley teaches a device as recited in claim 17 and is rejected given

the same reasoning as above.

Regarding claim 59 Buckley teaches a device as recited in claim 4 and is rejected given

the same reasoning as above.

Regarding claim 60 Buckley teaches a device as recited in claim 5 and is rejected given

the same reasoning as above.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

Claims 11-14, 18, 24, 34-35, 41, 49, 56 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Buckley in view of Whelan.

Regarding claim 11 Buckley teaches a device as recited in claim 1 except for determining

whether the at least one wireless network is a wireless network whose identifier is unknown.

Whelan teaches determining whether a wireless network device is a wireless network device

whose identifier is unknown (see paragraph [0036]). It would have been obvious to one of

ordinary skill in the art at the time the invention was made to make the device adapt to include

determining whether the at least one wireless network is a wireless network whose identifier is

unknown because this would allow for improved security of wireless networks.

Regarding claim 12 Buckley teaches a device as recited in claim 11 except for switching

the wireless device to a transmit on mode to identify an unknown wireless network. Buckley

does teach switching a wireless device to a transmit on mode (see paragraph [0017], sending

authentication data relates to transmit on mode). Whelan does teach identifying an unknown

wireless network device (see paragraph [0036]). It would have been obvious to one of ordinary

skill in the art at the time the invention was made to make the device adapt to include switching

the wireless device to a transmit on mode to identify an unknown wireless network because this

would allow for improved security of wireless networks.

Regarding claim 13 Whelan teaches transmitting at least one probe request frame to

identify an unknown wireless network (see paragraph [0034]).

Regarding claim 14 Whelan teaches receiving a probe response frame from the unknown

wireless network, the probe response frame having an identifier for identifying the unknown

wireless network (see paragraph [0034]).

Regarding claim 18 Buckley and Whelan teach a device as recited in claim 11 and is

rejected given the same reasoning as above.

Regarding claim 24 Buckley teaches a device as recited in claim 16 except for switching

the wireless device to a transmit on mode in response to determining that the at least one wireless

network is a wireless network whose identifier is unknown; and transmitting a probe request

frame to the at least one wireless network to identify the at least one wireless network. Buckley does teach switching a wireless device to a transmit on mode (see paragraph [0017], sending authentication data relates to transmit on mode). Whelan does teach determining whether a wireless network device is a wireless network device whose identifier is unknown (see paragraph [0036]). Whelan does teach transmitting at least one probe request frame to identify an unknown wireless network (see paragraph [0034]). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include switching the wireless device to a transmit on mode in response to determining that the at least one wireless network is a wireless network whose identifier is unknown; and transmitting a probe request frame to the at least one wireless network to identify the at least one wireless network because this would allow for improved security of wireless networks.

Regarding claim 34 Buckley and Whelan teach a device as recited in claim 11 and is rejected given the same reasoning as above.

Regarding claim 35 Buckley and Whelan teach a device as recited in claim 24 and is rejected given the same reasoning as above.

Regarding claim 41 Buckley and Whelan teach a device as recited in claim 24 and is rejected given the same reasoning as above.

Regarding claim 49 Buckley and Whelan teach a device as recited in claim 24 and is rejected given the same reasoning as above.

Regarding claim 56 Buckley and Whelan teach a device as recited in claim 11 and is rejected given the same reasoning as above.

Claims 44-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buckley in

view of Krantz.

Regarding claim 44 Buckley teaches a device as recited in claim 42 except for the at least

one wireless network comprising an infrastructure network. Krantz teaches at least one wireless

network comprising an infrastructure network (see paragraph 0029]). It would have been

obvious to one or ordinary skill in the art at the time the invention was made to make the device

adapt to include at least one wireless network comprising an infrastructure network because it is

a method of wireless communication an it would allow for efficient networking of devices.

Regarding claim 45 Buckley teaches a device as recited in claim 42 except for the at least

one wireless network comprising an ad-hoc. Krantz teaches at least one wireless network

comprising an ad-hoc network (see paragraph 0029]). It would have been obvious to one or

ordinary skill in the art at the time the invention was made to make the device adapt to include at

least one wireless network comprising an ad-hoc network because it is a method of wireless

communication an it would allow for efficient networking of devices.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

Yahagi Pub. No.: US 2002/0102978 A1 discloses multi-network communications

systems.

Zhao et al. Pub. No.: US 2005/0048986 A1 discloses methods, systems and computer

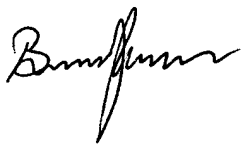program products for directing a user to a wireless network access point.

Yoshimoto et al. U.S. Patent No. 6,970,705 discloses multipoint communication system and multipoint communication method.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brandon J. Miller whose telephone number is 571-272-7869. The examiner can normally be reached on Mon.-Fri. 8:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

February 17, 2006

GEORGE ENG
SUPERVISORY PATENT EXAMINER